

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## **Council Agenda**

**Wednesday, April 09, 2014**

**7:00 PM**

**Council Chambers, 8th Floor, City Hall**

## **City Council**

***Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris  
Snead, Christopher G. Stuart, Donnie R. Tuck,  
George E. Wallace, Mayor***

### ***Staff:***

***Mary Bunting, City Manager***

***Vanessa T. Valdejuli, City Attorney***

***Katherine K. Glass, CMC, Clerk of Council***

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## **WELCOME TO THE HAMPTON CITY COUNCIL MEETING**

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time. From time to time, It may be in the public's interest to change the format and guidelines, and the Council can do so at its discretion without prior notice.

### **THE ORDER OF BUSINESS**

The Council generally conducts meetings in the following order:

- (1) Call to Order
- (2) Ceremonial Matters
- (3) Consent Agenda
- (4) Regular Business Agenda
- (5) Miscellaneous New Business
- (6) Adjournment

Agenda items are taken up one at a time in the order in which they are listed. Matters on the consent agenda are routine and are adopted by one motion without separate discussion. However, items can be moved from the consent agenda to the regular agenda upon request by a citizen or a member of the Council. Keep in mind that the agenda is for the convenience of the public and the Council, and that it can be altered by the Council at any time without prior notice when the Council considers it in the public's interest to do so.

### **CITIZENS ARE INVITED TO PARTICIPATE**

The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council, please sign in before the meeting on the sign-up sheet located in the rear of Council Chambers. Please include your name and the subject on which you wish to speak, including the docket number if it is an item on the agenda. If you wish to address Council on a non-agenda item, the permission of Council is necessary.

If you are with a group of people, you may want to have a spokesman or two present your position to the Council and have others in agreement recognized by standing. The Council will always try to hear everyone who wishes to speak on a subject, but sometimes discussion has to be limited due to time. If the previous speaker has stated your position, you may make that known by reference (for example, "I agree with the position stated by Mr. Jones and have nothing further to add"). Repetition of positions by more than one speaker often uses more time than necessary.

Speakers are generally limited to one appearance, although Council can allow exceptions at its discretion. If possible, you should speak from prepared remarks to the subject under discussion. Irrelevant comments use others' time and your own and detract from your statements on the matter being considered.

Meetings of the Council are formal proceedings, and all comments are recorded on tape and by stenographer. For that reason, you are requested not to speak from your seat or out of turn. When you are called by the presiding officer, please follow these steps:

- (1) Come forward to the speaker's podium.
- (2) State your name and address
- (3) State your conclusion and give facts and other data to back it up.
- (4) If you represent a group or organization, ask the others to rise and be recognized.
- (5) If you have a written statement, give it and other supportive material to the Clerk for the record.

The above guidelines are intended to encourage the greatest possible participation by citizens at Council meetings. They can be modified at any time by the Council at its discretion and without prior notice.

Thank you for taking your time to participate in the Council meeting. Good government depends on the interest and involvement of you and your fellow citizens. We invite you to return.

## CALL TO ORDER/ROLL CALL

## INVOCATION - Councilman Hobbs

## PLEDGE OF ALLEGIANCE TO FLAG

## MAYOR'S COMMENTS

## CONSENT AGENDA

### Consent Items

1. **14-0143** Approval of the minutes from the afternoon session of December 11, 2013, the Spotlight on Citizens/Public Comment session of February 26, 2014, the evening session of March 12, 2014, and the Spotlight on Citizens/Public Comment session of March 26, 2014.
2. **14-0142** Resolution Requesting Appropriation of Additional Funds to Phoebus Waterfront Improvements Project
3. **14-0145** Resolution Accepting and Appropriating Funds for the FY2015 Comprehensive Services Act Pools Funds
4. **14-0147** Resolution Endorsing AMR, Inc. To Establish An Office In The City Of Hampton To Provide Non-Emergent Medical Transport While Making Clear AMR, Inc. Is Not An Integral Part Of The Public Safety Network
5. **14-0136** Resolution Approving the Appropriation of Additional Funds to the Capital Projects Fund for a VDOT CMAQ Project at Todds Lane and Big Bethel Road
6. **14-0149** Resolution Approving the Transfer of Funds from Intersection Improvements at Big Bethel Road and Thomas Nelson Drive to Intersection Improvements at Woodland Road and Andrews Boulevard That Are Funded with VDOT Highway Safety Improvement Program (HSIP) Funds
7. **14-0151** Resolution Approving the Transfer of Funds from Intersection Improvements at Executive Drive and Marcella Road to Intersection Improvements at Big Bethel Road and Burton Street That Are Funded with VDOT Highway Safety Improvement Program (HSIP) Funds
8. **14-0152** Resolution Endorsing NuCare Carolina Ambulance, Inc. To Establish An Office In The City Of Hampton To Provide Non-Emergent Medical Transport While Making Clear That NuCare Carolina Ambulance, Inc. Is Not An Integral Part Of The Public Safety Network

9. **14-0148** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Hazard Mitigation Grant Program through the Virginia Department of Emergency Management.
10. **14-0159** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY 2013 Supplemental Local Emergency Management Performance Grant through the Virginia Department of Emergency Management.
11. **14-0160** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY 2013 Supplemental Local Emergency Management Performance Grant through the Virginia Department of Emergency Management.
12. **14-0146** Ordinance To Amend And Reenact Chapter 36 Of The Code Of The City Of Hampton, Virginia Entitled "Swimming Pools", By Amending Section 36-51 "Outlet Drain" To Make Consistent With New Stormwater Regulations.
13. **14-0162** Resolution Appropriating Funds from the Air Power Park Museum FY14 Donation Account to be utilized for Special Programs, Materials, and Equipment
14. **14-0170** Modification of Nakia Cook's term on the Peninsula Agency on Aging Board of Directors to be from October 1, 2013, until September 30, 2014.
15. **14-0172** Request for Refunds for Tax Years 2012, 2013 and 2014
16. **14-0174** Resolution Supporting the Hampton Streetcar 390 Project

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

## **PUBLIC HEARINGS**

### **Rezoning**

17. **14-0154** Rezoning Application No. 1312-2013 by Foxcroft, L.P. to rezone 14.38 + acres located at 59 Stapleford Way [LRSN 8003549] from One-Family Residence (R-11) District to Multiple Dwelling (MD-2) District with conditions.

**Use Permit**

18. **14-0155** Use Permit Application No. 14-00003 by PetSmart to operate a veterinary health facility at 3670 Von Schilling Drive [LRSN 13002020] at Peninsula Town Center.
19. **14-0156** Use Permit Application No. 14-00004: Proposal by Sovonia Golden, to operate a Day Care 3 for up to 49 children at 3311 Kecoughtan Road [LRSN 13002647].

**Ordinances**

20. **14-0150** Ordinance Vacating a Surplus (1) 60' Public Access Easement Containing 79,426± Square Feet (LRSNs 13003975 and 13003976); (2) a 60' Public Utility Easement Containing 76,520± Square Feet (LRSNs 13003975 and 13003976); and (3) a Pump Station Easement Containing 2,679± Square Feet (LRSN 13003979) Located at 41 Floyd Thompson Boulevard.
21. **14-0157** Ordinance to Amend Chapter 13.1 of the City Code of the City of Hampton, Virginia Entitled "Land Disturbing Operations" to Comply With Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management Ordinance," by Amending Section 13.1-1, Definitions; Section 13.1-2, Purpose of Chapter; Section 13.1-3, Exemptions from Chapter; Section 13.1-4, Relationship of Chapter to Other Ordinances and Regulations; Section 13.1-5, Permit Required; Section 13.1-6, Permit Application and Fee; Section 13.1-7, Application of State Guidelines, Standards, Etc.; Section 13.1-8, General Requirements; Section 13.1-9, Responsibility of Property Owner When Work to be Done by Contractor; Section 13.1-10, Responsibility and Bond for Control Measures; Section 13.1-11, Preparation of Plan; Preliminary Plan; Section 13.1-12, Single-Family Detached Residences; Section 13.1-13, Approval or Disapproval of Plan; Section 13.1-14, Appeals from Decisions under Chapter; Section 13.1-15, Amendment of Approved Plan; Section 13.1-16, Bond; Section 13.1-17, Issuance or Refusal of Permit; Section 13.1-18, Term of Permit; Section 13.1-19, Permit Restrictions and Conditions; Section 13.1-20, Periodic Inspections of Land-Disturbing Activities; Section 13.1-21, Use of Certain Fill Material Prohibited; Section 13.1-22, Covering of Fill Projects; Section 13.1-23, Right of Entry of Agent; Section 13.1-24, Correction of Dangerous Conditions and Revocation; Section 13.1-25, Final Inspection of, and Certification of Completion for, Land-Disturbing Activity; Section 13.1-26, Completion of Work by Surety or City Agents; Section 13.1-27, Agent Designated for Administration and Enforcement of Chapter; Section 13.1-28, Notice of Violations; Section 13.1-29, Damaging, Removing, Etc., Erosion-Prevention Bags; and Section 13.1-31, Penalties, Injunctions and Other Legal Actions

- 22. 14-0158** Ordinance to Repeal Chapter 33.1 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management," in Its Entirety and Enact Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management" to Integrate the Stormwater Management Requirements with the Requirements of Erosion and Sediment Control, Flood Insurance, Flood Plain Management, and the Chesapeake Bay Preservation Act Into a Unified Program Pursuant to Virginia Code § 62.1-44.15:24, Et Seq.

## **GENERAL ITEMS**

### **Appointments**

- 23. 13-0433** to consider an appointment to the Virginia Alcohol Safety Action Program (VASAP)
- 24. 14-0169** to consider appointments to the Virginia Air & Space Center Board of Directors
- 25. 14-0166** Appointment to the Economic Development Authority.

## **REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

## **MISCELLANEOUS NEW BUSINESS**

## **ADJOURNMENT**

### **Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**